

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Squad #5	CCRB Case #: 201908292	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/20/2019 12:10 PM	Location of Incident: Bronx Criminal Court (215 East 161st Street)	Precinct: 44	18 Mo. SOL 2/20/2021	EO SOL 10/7/2021	
Date/Time CV Reported Mon, 08/26/2019 3:29 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Mon, 08/26/2019 3:29 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Manish Sharma	10192	949656	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Meneses	11225	964654	044 PCT
2. POM Carlos Morales	26314	922823	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Manish Sharma	Abuse: Police Officer Manish Sharma threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On August 23, 2019, § 87(2)(b) a § 87(2)(b) sent a letter about this incident, on behalf of § 87(2)(b) to the NYPD Legal Bureau, and he sent copies of the letter to the CCRB, the Public Advocate's office, the NYC Human Rights Commission, and the NYPD OIG. § 87(2)(b) did not witness the incident.

On August 20, 2019, at approximately 12:10 p.m., § 87(2)(b) was exiting a court room at the Bronx Criminal Court, located at 215 East 161st Street in the Bronx, with his § 87(2)(b) attorney, § 87(2)(b) Police Officers Michael Meneses, Rafael Morales, and Manish Sharma of the 44th Precinct approached § 87(2)(b) and § 87(2)(b) PO Sharma allegedly threatened to arrest § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) left the scene and was not arrested or issued a summons.

The investigation did not obtain video footage of this incident. The nature of the incident did not require the use of BWC as per the Patrol Guide.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Manish Sharma threatened to arrest

§ 87(2)(b)

§ 87(2)(b) testified (**Board Review 01**) that PO Sharma, accompanied by PO Meneses and PO Morales, approached § 87(2)(b) as he exited the courtroom, slightly in front of § 87(2)(b) § 87(2)(b) immediately approached PO Sharma and asked what was going on. PO Sharma told § 87(2)(b) and § 87(2)(b) that he was from "Operation Ceasefire," that he was "warning" § 87(2)(b) that officers were watching § 87(2)(b) and his friends, and stated that officers would arrest § 87(2)(b) § 87(2)(b) for "walking on the wrong side of the street." § 87(2)(b) and § 87(2)(b) immediately walked away from PO Sharma and left the scene.

§ 87(2)(b) refused to permit the CCRB to obtain a statement from § 87(2)(b) As a result, the investigation was unable to obtain any account of the incident from him.

§ 87(2)(b) a § 87(2)(b) who accompanied § 87(2)(b) and § 87(2)(b) to court, provided a telephone statement about this incident (**Board Review 02**). § 87(2)(b) reported that PO Sharma informed § 87(2)(b) that officers were watching § 87(2)(b) and his friends and that officers would "get" § 87(2)(b) if he "crossed the street the wrong way." § 87(2)(b) and § 87(2)(b) immediately walked away from PO Sharma and left the scene shortly thereafter.

Due to COVID pandemic-related delays, the investigation did not interview PO Sharma until approximately 15 months after the date of the incident. PO Meneses and PO Morales were not interviewed until more than 18 months after the date of the incident.

PO Sharma testified (**Board Review 03**) that, in his capacity assigned to Ceasefire, he was responsible for contacting § 87(2)(b) and other members of a gang with the intention of offering them social services. PO Sharma characterized this as an "enforcement action." At the time of this incident, PO Sharma approached § 87(2)(b) introduced himself, and informed § 87(2)(b) that he should try to avoid being arrested. PO Sharma denied stating that § 87(2)(b) could be arrested for "walking on the wrong side of the street" or any other specific actions, and he denied otherwise threatening to arrest § 87(2)(b) PO Sharma then began speaking to § 87(2)(b) about Ceasefire and the resources available to § 87(2)(b)

PO Meneses testified (**Board Review 04**) that PO Sharma informed § 87(2)(b) that, if he was arrested, he would be prosecuted to the fullest extent of the law and would not receive a Desk Appearance Ticket. PO Meneses did not recall PO Sharma identifying any specific infractions that § 87(2)(b) should avoid, and he did not recall PO Sharma telling § 87(2)(b) that he would be “arrested for walking on the wrong side of the street.”

PO Morales testified (**Board Review 05**) that he did not recall the details of the conversation between PO Sharma and § 87(2)(b). PO Morales did not recall PO Sharma giving § 87(2)(b) any information about what would happen if § 87(2)(b) committed crimes or was arrested. PO Morales did not hear PO Sharma informing § 87(2)(b) that he could be arrested for “walking on the wrong side of the street,” although he stated that he did not believe that PO Sharma would have said something like that.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) (**Board Review 06**) or § 87(2)(b) (**Board Review 07**) has been party.
- PO Sharma has been a member of the NYPD for 10 years and has been a subject in two prior CCRB complaints and two allegations, neither of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 6, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident.
- § 87(2)(b)

Squad No.: 5

Investigator: Julian Phillips
Signature

SI Julian Phillips
Print Title & Name

June 16, 2021
Date

Squad Leader: *Daniel Giansante* IM Daniel Giansante June 16, 2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date